



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

MEMO ENDORSED

July 8, 2022

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Via ECF

Honorable Andrew L. Carter, Jr.
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Chemoil Corp. v. United States of America*, 19 Civ. 6314 (ALC) (JW)

Dear Judge Carter:

This Office represents the United States of America (the “United States” or the “government”), the defendant in the above-referenced tax-refund case brought by plaintiff Chemoil Corporation (“Chemoil”). We write respectfully to request the Court’s leave to file the government’s summary judgment papers under a temporary 14-day seal, pursuant to Rule 6.C of Your Honor’s Individual Practices and a Stipulation of Confidentiality (“Stipulation”) executed by the parties on September 13 and 14, 2020, a copy of which is annexed hereto as Exhibit A.¹

In producing materials in discovery, Chemoil designated documents as Confidential Information pursuant to the Stipulation. Certain recipients of third-party subpoenas in this matter—as relevant here, Cerebrum Capital Management, Inc. (“Cerebrum”), and Vopak Terminal Deer Park Inc. (“Vopak”)—also produced documents designated as Confidential Information. The Stipulation restricts the public filing of Confidential Information, as well as “portions of pleadings, motions, or other papers that disclose” Confidential Information. Stipulation ¶ 9.

Pursuant to Paragraph 9 of the Stipulation, the United States respectfully requests that the Court accept its summary judgment motion papers for filing under a temporary 14-day seal. This includes the government’s brief, declarations, and other filings, because the government’s papers both attach and reference material designated by Chemoil and third-parties that has been designated as Confidential Information under the Stipulation. *See id.* Per the Stipulation, the producing parties—Chemoil, Cerebrum, and Vopak—may make an application to continue the seal as to some or all of these materials if they can demonstrate cause for doing so. *See id.*

Thank you for your consideration of this request.

¹ The parties originally proposed a protective order with similar terms to former Magistrate Judge Fox, but ultimately entered into a separate stipulation after Judge Fox expressed concerns about entering the form of the proposed order. *See* Dkt. Nos. 37, 40.

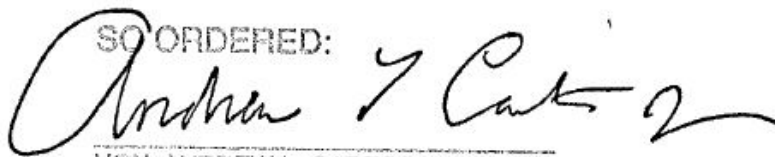
Respectfully submitted,

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Encl.

cc: Counsel for Chemoil (via ECF)
Counsel for Vopak (by email)
Counsel for Cerebrum (by email)

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE
Dated: 7/11/2022